

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

SEP 15 2003

Federal Communications Commission  
Office of Secretary

In the Matter of

Implementation of Sections 309(j) and 337  
Of the Communications Act of 1934 as  
Amended

WT Docket No. 99-87

Promotion of Spectrum Efficient  
Technologies on Certain Part 90  
Frequencies

RM-9332

**Comments of the Industrial Telecommunications Association, Inc.**

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its comments in response to the Commission's *Second Report and Order and Second Further Notice of Proposed Rulemaking* in the above-referenced matter.<sup>1</sup> The FNPRM seeks comment on establishing a migration schedule for licensees to operate on 6.25 kHz technology.<sup>2</sup> ITA, as will be explained in greater detail below, believes that establishing a date-certain for the migration to 6.25 kHz technologies would be premature at this time.

**I. Statement of Interest**

ITA is a Commission-certified frequency advisory committee coordinating in excess of 13,000 applications per year on behalf of applicants seeking Commission authority to operate on a wide-variety of frequency assignments allocated between 30-900 MHz.

<sup>1</sup> See, Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, Second Report and Order and Second Further Notice of Proposed Rule Making, (released February 25, 2003) (FNPRM).

<sup>2</sup> FNPRM at ¶ 27.

No. of Copies rec'd 045  
List & CODE

ITA enjoys the support of a membership including more than 2,100 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

Alliance of Motion Picture and Television Producers  
Aeronautical Radio, Inc.  
National Propane Gas Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communications Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

ITA's extensive involvement with the private land mobile industry expands into many services including: application preparation for public safety and first responders; coordination and engineering services for industrial/business users, commercial licensees under Part 90 of the Commission's rules, and PMRS radio dealers; protection of petroleum service users through a contractual agreement with the American Petroleum Institute; an industry liaison for equipment manufacturers and end users, as well as band managers and end users; the Commission's first line of post-licensing, interference resolution; and various other services.

## **II. Background**

On February 25, 2003, the Commission released its *Second Report and Order and Second Further Notice of Proposed Rulemaking* soliciting comments on a date certain for the migration of land mobile licensees to 6.25 kHz technology and seeking suggestions on any other relevant compliance dates.<sup>3</sup>

---

<sup>3</sup> This proceeding is not clear on the use of 6.25 kHz equivalent efficiency technologies that operate on channel widths greater than 6.25 kHz. The Commission should retain this efficiency option in any 6.25 kHz migration requirement.

### III. Discussion

ITA applauds the Commission for its forward-looking efforts to promote spectral efficiency in the private land mobile radio services. Land mobile licensees operate in crowded, shared environments, and as such are generally supportive of any effort increasing spectral efficiency, decreasing congestion, and allowing for more access, as long as their operational needs are still fully met. However, issuing a *Report and Order* with a date in which land mobile licensees would be required to operate at 6.25 kHz bandwidth at this juncture would be counterproductive for the industry, and thus, not in the public interest.

ITA believes that the current migration to 12.5 kHz technologies will serve as a valuable resource, through necessary experience, in outlining a future date-certain for 6.25 kHz operations. In the event that unexpected issues and problems arise in the 12.5 kHz migration, these issues could be avoided through appropriate planning in the 6.25 kHz migration. After licensees experience their own 12.5 kHz migration they will have valuable experiences to offer during commenting periods on the proposed 6.25 kHz migration. In 2001, the LMCC wisely noted,

“the Commission should carefully monitor the transition to 12.5 kHz equipment before considering a date certain for mandatory migration to 6.25 kHz equipment. After a 12.5 kHz transition has been implemented and its progress monitored, the Commission and the private land mobile community may offer an informed opinion on the notion of a date certain for 6.25 kHz migration.”<sup>4</sup>

MRFAC echoed this sentiment: “Insofar as any further narrowbanding is concerned (*i.e.* to 6.25 kHz), MRFAC urges that this question be deferred until 2010 so that industry and the Commission can evaluate the effects of the conversion to 12.5 kHz. Any 6.25 kHz conversion

---

<sup>4</sup> LMCC Comments at p. 4 (March 5, 2001).

Order at this point would be entirely premature and unwarranted.”<sup>5</sup> These statements still hold true; the knowledge gained from managing and overcoming problems in the 12.5 kHz migration would serve as a valuable blueprint for how or how not to proceed with the 6.25 kHz migration.

For years licensees have been anticipating and preparing for the Commission to release a date-certain for the migration to 12.5 kHz technologies and now, with what seems to be no regard to how well the 12.5 kHz migration proceeds, the Commission is considering an Order announcing the subsequent 6.25 kHz migration. ITA is concerned that licensees will not allocate the financial or labor resources necessary to upgrade or update equipment associated with the 12.5 kHz migration, knowing full-well that the Commission is creating a date-certain for a second migration to 6.25 kHz technologies. This layered scheduling, in turn, may lead to land mobile services having a *de facto* intermingling of 25 kHz, 12.5 kHz, and 6.25 kHz technologies until the final 6.25 kHz migration deadline draws closer to an end.<sup>6</sup> ITA, therefore, urges the Commission to allow licensees to begin the 12.5 kHz migration before embarking on a 6.25 kHz migration schedule.

As seen with the 12.5 kHz migration, availability of the appropriate equipment was an important factor in establishing the migration timetable.<sup>7</sup> ITA urges the Commission to do the same with the 6.25 kHz migration and rely on the availability of equipment, proven in the real

---

<sup>5</sup> MRFAC Comments at p. 3 (March 5, 2001).

<sup>6</sup> It should be noted that many outside factors cause events and deadlines to change, and it is likely that a date-certain for 6.25 kHz migration will also change. Only two years ago, PCIA had suggested January 1, 2011 as the deadline for 6.25 kHz migration, which is an example of how dramatically events change, considering the end of 12.5 kHz migration, under the current rules, would not be complete until January 1, 2018. See, Comments of PCIA at p. 4. (March 5, 2001) “Initially, PCIA advocates a January 1, 2011 mandatory deadline to 6.25 kHz (or equivalent) equipment. In adopting such a rule, however, the Commission should recognize that it may need to revisit that date in the future.” See also, FNPRM at p. 2, outlining the 12.5 kHz migration schedule.

<sup>7</sup> FNPRM at ¶ 6.

world, as a contributing factor in mandating a 6.25 kHz migration date-certain. Forecasting the development of a technology that has not yet become available can be quite difficult. In the instant case, ITA believes that the Commission should wait for 6.25 kHz equipment to become available before establishing a date-certain for 6.25 kHz operations. The availability of 6.25 kHz equipment (or even an idea when 6.25 kHz equipment will become available) remains a key component to implementing any narrowband migration schedule. One prominent equipment manufacturer in the PLMR services, agrees, stating, “it is premature for the Commission to establish a date-certain for existing or new users to migrate to 6.25 kHz (or equivalent) technologies. This issue should be deferred at least until the time when 6.25 kHz (or equivalent) technologies are readily available for purchase in these specific bands.”<sup>8</sup> ITA agrees; the Commission should permit 6.25 kHz technology to develop and be fully tested and proven before mandating a 6.25 kHz date-certain.

The initial intent of migrating land mobile licensees to narrowband operations was to increase spectral efficiency in these services; however, ITA is concerned that a premature release date for the upcoming 6.25 kHz migration may have a negative effect on incumbents in the land mobile bands, especially with respect to their current transition to 12.5 kHz technology. Thus, ITA recommends that the Commission revisit the 6.25 kHz transition after gaining valuable experience from the 12.5 kHz conversion and after 6.25 kHz equipment becomes available in the land mobile market.

---

<sup>8</sup> Motorola Comments at p. 7 (March 5, 2001), *See also*, Petition for Reconsideration and Clarification of Motorola, Inc., (August 18, 2003), at p. 11. “In Motorola’s view, it is not logical for the FCC to conclude that it will need to adopt a date-certain for the 6.25 kHz transition at the same time that it imposes a multi-year schedule to amortize their new 12.5 kHz systems, the likely timeframe for a 6.25 kHz transition is well beyond Motorola’s – and the Commission’s – ability to forecast or envision the relevant market and regulatory forces that will be imposed on private wireless users.”

#### **IV. Conclusion**

ITA commends the Commission for its efforts in promoting spectral efficiency in the land mobile services through its forward looking policies, but believes the Commission should postpone its decision to set a date-certain for the migration of land mobile licensees to 6.25 kHz technologies. ITA, therefore, urges the Commission to use the current 12.5 kHz migration as a guide for any future 6.25 kHz conversion, and further wait until 6.25 kHz technology becomes available in the land mobile market before issuing such a decision.

Respectfully submitted,

INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.  
1110 N. Glebe Road, Suite 500  
Arlington, Virginia 22201  
(703) 528-5115

By: /s/ Jeremy Denton

Jeremy Denton  
Director, Government Affairs

/s/ Robin Landis

Robin Landis  
Regulatory Affairs Assistant

September 15, 2003

## CERTIFICATE OF SERVICE

I, Robin Landis, do hereby certify that on the 15th day of September 2003, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. via hand delivery:

Bryan Tramont, Esq.  
Chief of Staff  
Federal Communications Commission  
445 12th Street, SW, 8-B201  
Washington, DC 20554

Jennifer A. Manner, Esq.  
Senior Legal Advisor  
Office of Commissioner Kathleen Q.  
Abernathy  
445 12th Street, SW, 8-A204  
Washington, DC 20554

Paul Margie, Esq.  
Legal Advisor  
Office of Commissioner Michael J. Copps  
445 12th Street, SW, 8-A302  
Washington, DC 20554

John Muleta  
Chief, Wireless Telecommunications Bureau  
445 12th Street, SW, Room 3-C252  
Washington, DC 20554

D'wana R. Terry, Esq.  
Chief, Public Safety & Private Wireless  
Division  
Wireless Telecommunications Bureau  
445 12th Street, SW, Room 4-C321  
Washington, DC 20554

Ramona E. Melson, Esq.  
Deputy Chief, Public Safety & Private  
Wireless Division  
Wireless Telecommunications Bureau  
445 12th Street, SW, Room 4-C237  
Washington, DC 20554

Sam Feder, Esq.  
Legal Advisor  
Office of Commissioner Kevin J. Martin  
445 12th Street, SW, 8-C302  
Washington, DC 20554

Barry Ohlson, Esq.  
Interim Legal Advisor  
Office of Commissioner Jonathan S.  
Adelstein  
445 12th Street, SW, 8-B115  
Washington, DC 20554

Marlene H. Dortch, Esq.  
Secretary  
445 12th Street, SW, Room TW-325  
Washington, DC 20554

Catherine W. Seidel, Esq.  
Deputy Chief  
Wireless Telecommunications Bureau  
445 12th Street, SW, Room 3-C220  
Washington, DC 20554

Mr. Herbert W. Zeiler  
Deputy Chief, Public Safety & Private  
Wireless Division  
Wireless Telecommunications Bureau  
445 12th Street, SW, Room 4-C343  
Washington, DC 20554

Qualex International  
Portals II  
445 12th Street, SW, Room CY-B402  
Washington, DC 20554

Donald J. Vasek  
Land Mobile Communications Council  
1110 N Glebe Rd., Suite 500  
Arlington, VA 22201

Bette N. Rinehart\*  
National Regulatory Affairs  
Administrator  
Motorola, Inc.  
1270 Fairfield Road, Suite 5  
Gettysburg, PA 17325

Mary E. Brooner\*  
Director, Telecommunication  
Strategy and Regulation  
Motorola, Inc.  
1350 I Street, NW, Suite 400  
Washington, DC 20005

Jay Kitchen\*  
President  
PCIA- The Wireless Infrastructure  
Association  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314

Alan S. Tilles, Esq.\*  
Shulman, Rogers, Gandal, Pordy & Ecker  
11921 Rockville Pike, Third Floor  
Rockville, MD 20852

Wayne V. Black, Esq.\*  
Nicole B. Donath, Esq.  
Katherine C. Lucas, Esq.  
Keller & Heckman  
1001 G Street, NW, Suite 500 West  
Washington, DC 20001

Dorothy E. Cukier, Esq.\*  
Day & Cukier  
5673 Columbia Pike, Suite 1000  
Falls Church, VA 22041

Robert M. Gurss, Esq.\*  
Director of Legal & Government Affairs  
Association of Public-Safety  
Communications Officials  
1725 DeSales Street, NW, Suite 808  
Washington, DC 20036

David J. Kaufman, Esq.\*  
Robyn G. Nietert  
Lorretta K. Tobin, Esq.  
Brown, Nietert & Kaufman  
1920 N Street, NW, Suite 660  
Washington DC 20036

Dennis C. Brown\*  
DW Communications, Inc.  
126/B North Bedford Street  
Arlington, VA 22201

Shirley S. Fujimoto, Esq.\*  
Kirk S. Burgee, Esq.  
Paul E. Malmud, Esq.  
McDermott, Will & Emery  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005

Robert S. Foosaner, Esq.\*  
Lawrence R. Krevor, Esq.  
Laura L. Holloway, Esq.  
James B. Goldstein, Esq.  
Nextel Communications, Inc.  
2001 Edmund Halley Drive  
Reston, VA 20191



William K. Keane, Esq.\*  
Arter & Hadden  
1801 K Street, NW, Suite 400K  
Washington, DC 20006

Thomas, J. Keller, Esq.\*  
Association of American Railroads  
50 F Street, NW  
Washington, DC 20001

John M. Kneuer, Esq.  
Verner, Liipfert, Bernhard, McPherson  
& Hand  
901 15<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20005

Alan R. Shark, CAE\*  
President & CEO  
AMTA  
200 North Glebe Road, Suite 1000  
Arlington, VA 22203

Elizabeth R. Sachs, Esq.\*  
Lukas, Nace, Gutierrez & Sachs  
1111 19<sup>th</sup> Street, NW, Suit 1200  
Washington, DC 20036

Leon M. Bloomfield\*  
Wilson and Bloomfield, LLP  
1901 Harrison Street, Suite 1630  
Oakland, CA 94612

Kenneth E. Hardman\*  
American Association of Paging Carriers  
1015 – 18<sup>th</sup> Street, NW  
Suite 800  
Washington, DC 20036-5204

Frederick M. Joyce\*  
Christine McLaughlin  
Venable LLP  
1201 New York Ave., NW, Suite 1000  
Washington, DC 20005

Wayne V. Black\*  
Katherine C. Lucas  
Keller and Heckman, LLP  
1001 G Street, Suite 500 West  
Washington, DC 20001

Jill M. Lyon\*  
Vice President & General Counsel  
The United Telecom Council  
1901 Pennsylvania Ave., NW  
Fifth Floor  
Washington, DC 20006

John A. Prendergast, Esq.\*  
Richard D. Rubino, Esq.  
Blooston, Mordkofsky, Dickens, Duffy  
& Prendergast  
2120 L Street, NW, Suite 300  
Washington, DC 20037

Richard Allen, Esq.\*  
David E. Pickeral  
Booz Allen Hamilton  
8283 Greensboro Drive  
McLean, VA 22102-3838

Christopher D. Imlay\*  
Booth, Freret, Imlay & Tepper, P.C.  
14356 Cape May Road  
Silver Spring, MD 20904-6011

Steve. B. Sharkey\*  
Director, Spectrum and Standards Strategy  
Motorola, Inc.  
1350 I Street, NW  
Washington, DC 20005

Alan G. Fishel\*  
Jeffery E. Summel  
Arent, Fox, Kintner, Plotkin & Kahn, PLLC  
1050 Connecticut Ave., NW  
Washington, DC 20036-5339

Joseph Mullin\*  
Vice President for Engineering  
Arch Wireless Operating Company, LLC  
1800 West Park Drive, Suite 250  
Westborough, MA 01581

Robert J. Speidel, Esq.\*  
M/A – COM, Inc.  
P.O. Box 2000  
221 Jefferson Ridge Parkway  
Lynchburg, VA 24501

\*via U.S. Mail

September 15, 2003

/s/ Robin Landis  
Robin Landis